

LAWLER, METZGER, MILKMAN & KEENEY, LLC

2001 K STREET, NW
SUITE 802
WASHINGTON, D.C. 20006

REGINA M. KEENEY

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

May 8, 2007

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 02-55
Ex Parte Presentation

Dear Ms. Dortch:

On Monday, May 7, 2007, Lawrence Krevor, Vice President, Government Affairs – Spectrum, Sprint Nextel Corporation (“Sprint Nextel”), Patti Tikkala, Vice President, Spectrum Management, Sprint Nextel, and I met with Angela Giancarlo, Legal Advisor on Wireless & International Issues for Commissioner Robert McDowell, to address the progress of 800 MHz reconfiguration. In particular, we discussed Sprint Nextel’s April 20, 2007 *ex parte* presentation, which included three interrelated proposals designed to refine the reconfiguration process: (1) a revised 800 MHz retuning cost standard to permit more negotiating flexibility; (2) replacement of the current 180 days of voluntary and mandatory negotiations with a single 90-day mandatory negotiation period that begins when an incumbent provides its retuning cost estimates and statement of work; and (3) adoption of the wide-area planning process for 800 MHz retuning proposed by public safety representatives and Sprint Nextel in their February 15, 2007 letter to the Commission. A copy of this February 15, 2007 letter is attached.

Pursuant to section 1.1206(b)(2) of the Commission’s rules, 47 C.F.R. § 1.1206(b)(2), this letter and this attachment are being filed electronically for inclusion in the public record of this proceeding.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Angela Giancarlo

Attachment



APCO International

Association Of Public-Safety Communications Officials-International, Inc.

EXECUTIVE DIRECTOR
George S. Rice, Jr.
xiceg@apcointl.org

APCO INTERNATIONAL
351 N. Williamson Boulevard
Daytona Beach, FL 32114-1112
Phone: 888-APCO911 OR 386-322-2500
www.apcointl.org

OFFICE OF GOVERNMENT AFFAIRS
1725 DeSales Street, N.W., Suite 808
Washington, DC 20036
Phone: 202-833-2700
dcoffice@apcointl.org

BOARD OF OFFICERS

PRESIDENT
Wanda S. McCarley
Operations Manager
Tarrant County 311 District
100 East 15th Street
Fort Worth, TX 76102
Phone: 817-820-1185
president@apcointl.org

PRESIDENT - ELECT
Willis Carter
Chief of Communications
Shreveport Fire Department
4144 Texas Avenue
Shreveport, LA 71101
Phone: 318-675-2200
pres-elect@apcointl.org

FIRST VICE PRESIDENT
Chris Fischer
Director
Valley Communications
27519 108th Avenue, S.E.
Kent, WA 98030
Phone: 253-372-1510
first-vp@apcointl.org

SECOND VICE PRESIDENT
Richard A. Mirgon
Communications Director
Douglas County
1615 8th Street
Minden, NV 89423-4232
Phone: 775-782-3977
second-vp@apcointl.org

INTERNATIONAL VICE PRESIDENT
Ing. Manfred Blaha, Brigadier-General
Technology Advisor for the National
Crisis and Disaster Protection Mgmt.
Republic of Austria
Federal Ministry of the Interior, Dept. IV/8
ICT Infrastructure and Operations
Türkenstraße 22, A-1090 Vienna
Phone: +43-1-90600 / 88 308
international-vp@apcointl.org

February 15, 2007

Ms. Marlene Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WT Docket 02-55, *ex parte* communication

Dear Ms. Dortch:

This is to inform the Commission that the attached letter was submitted today to the individuals indicated therein.

Respectfully submitted,

Robert M. Gurss
Director, Legal & Government Affairs

February 15, 2007

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Martin:

In July 2004, the Federal Communications Commission (the "Commission") adopted the *800 MHz Report and Order (Report and Order)* requiring the reconfiguration of the 800 MHz band to eliminate interference to public safety and other land mobile communications systems.¹ The Commission also designated a Transition Administrator ("TA") to develop procedures and timelines for various stages of the reconfiguration process.

Given our experience with the first 18 months of the process, we believe that the Commission should now direct the TA to develop specific benchmarks to complete reconfiguration of the NPSPAC channels (channels 601-720). While much has been accomplished to date, we believe that the extensive planning necessary for each specific NPSPAC system reconfiguration, interoperability concerns, resource limitations, and other factors require the TA to work closely with public safety organizations and licensees, Sprint Nextel, and equipment and service providers to develop plans and schedules to ensure a smooth transition to the reconfigured channel plan.

Accordingly, the Commission should task the TA with developing plans and recommended benchmarks for NPSPAC reconfiguration. The TA should take into consideration factors such as licensees' overall preparedness, including the status of plans for maintaining interoperability among NPSPAC systems within relevant geographic areas, the resources available for planning and reconfiguration implementation, and the impact on all incumbent operators, including Sprint Nextel, within relevant geographic areas. The TA should carry out this task in consultation with affected public safety licensees, their vendors and consultants, and Sprint Nextel.

As a first step, within the next two months, the TA should identify NPSPAC systems that can complete their reconfiguration in 2007 and schedule them accordingly. The TA should complete this recommended NPSPAC reconfiguration schedule by July 15, 2007.

¹ Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) ("*Report and Order*").

Chairman Kevin J. Martin
February 15, 2007
Page 2 of 2

We appreciate the opportunity to present this proposal for facilitating the success of Phase II of the 800 MHz reconfiguration project. We look forward to prompt Commission action and are available to provide further information or answer any questions you or your staff may have.

Sincerely,

Wanda S. McCarley
President
Association of Public-Safety Communications
Officials-International

Harlin R. McEwen, Chairman
Communications & Technology Committee
International Association of Chiefs of Police
Communications Advisor, Major City Chiefs
Association, National Sheriffs Association, and
Major County Sheriffs Association

Alan Caldwell
Senior Advisor, Government Relations
International Association of Fire Chiefs

Patricia C. Tikkala
Vice President – Spectrum Management
Sprint Nextel Corporation

cc: All Commissioners
Dan Gonzalez
Michelle Carey
David Furth
Michael Wilhelm
Brett Haan